

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

---

DONNA M. BAILEY,

Plaintiff,

v.

NANCY BERRYHILL, Acting  
Commissioner of Social Security,

Defendant.

---

**DECISION AND ORDER**  
16-CV-921-A

Plaintiff Donna M. Bailey brings this action pursuant to Titles II and XVI of the Social Security Act (“the Act”), 42 U.S.C. §§ 401–433, 1381–1383f, for review of a final decision of the Commissioner of Social Security that plaintiff Bailey was not disabled. The Court has jurisdiction to review the final decision of the Commissioner pursuant to 42 U.S.C. §§ 405(g) and 1383(c)(3).

The action is before the Court on the parties’ cross-motions for judgment on the pleadings pursuant to Rule 12(c) of the Federal Rules of Civil Procedure. For the reasons stated below, the Court finds that substantial evidence supports the final decision of the Commissioner denying plaintiff Bailey disability insurance benefits and supplemental security income benefits under the Act. That decision is affirmed.

**DISCUSSION**

Plaintiff Bailey argues primarily that Administrative Law Judge Bryce Baird (the “ALJ”) substituted the ALJ’s own opinion about plaintiff’s symptoms and disability for those of a treating psychiatrist, Sanjay Gupta, M.D. Plaintiff alleges the

ALJ favored earlier, less-reliable assessments of plaintiff by state-agency reviewing psychologists, Edward Kamin, Ph.D., and Susan Santarpia, Ph.D., among other flaws in the ALJ's reasoning. The Court assumes the parties' close familiarity with the administrative record and all of the issues before the Court.

The Court finds the ALJ's decision not to give great weight to the treating psychiatrist's one-line conclusion that plaintiff was disabled to have been proper. The treating psychiatrist's clinical findings were inconsistent with that conclusion, other evidence was inconsistent with that conclusion, and a remand for further evidence from the treating psychiatrist is unwarranted.

Similarly, the ALJ's decision to give substantial weight to Dr. Kamin's consultive opinion, and some weight to Dr. Santarpia's consultive opinion, was not error. The Court finds no additional evidence is necessary to support the ALJ's decision, and that a remand for further explanations of the ALJ's reasoning is not necessary. The ALJ weighed the medical, vocational, and other evidence before the ALJ, and substantial evidence appropriately interpreted under applicable law supports the ALJ's conclusion that plaintiff was not disabled.

## **CONCLUSION**

For the foregoing reasons, the Court finds that the final decision of the Commissioner of Social Security that plaintiff Donna M. Bailey was not disabled and denying her disability insurance benefits and supplemental security income benefits under the Act is supported by substantial evidence. Accordingly, the motion for judgment on the pleadings pursuant to Fed. R. Civ. P. 12(c) of the Commissioner of

Social Security, Dkt. No. 13, is granted. The motion for judgment on the pleadings of plaintiff Bailey, Dkt. No. 11, is denied. The Clerk shall enter judgment in favor of the Commissioner of Social Security against Donna M. Bailey.

**IT IS SO ORDERED.**

*Richard J. Arcara*

---

HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT COURT

Dated: August 23, 2018